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7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA

9 JASON P. STEWART,

10 Plaintiff,

11 v.

12 CALIFORNIA DEPARTMENT OF
EDUCATION, *et al.*,

13 Defendants.
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Civil No. 07cv0971 JAH(CAB)

**ORDER DENYING PLAINTIFF'S
APPLICATION FOR LEAVE TO
FILE A RESPONSE TO
DEFENDANTS' MOTION TO
DISMISS [Doc. No.]**

15 On May 23, 2008, Plaintiff filed an application for leave to file a response to
16 Defendants California Department of Education and Jack O'Connell's motion to dismiss.¹
17 Defendants originally filed their motion to dismiss on October 11, 2007 and filed an
18 amended motion on October 12, 2007. The motion was set for hearing on
19 December 3, 2007. As such, Plaintiff was required to file an opposition on or before
20 November 19, 2007. Plaintiff failed to file a timely response to the motion and took no
21 action to seek leave to file a response beyond the due date until May 2008.

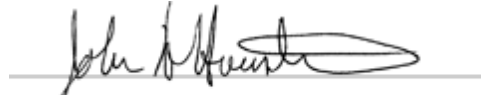
22 Plaintiff contends there is good cause for leave to file a response because his parent
23 who is assisting him with his lawsuit was in an accident in January 2008 and his sister
24 required 24 hour care for suicide watch. The Court finds Plaintiff fails to demonstrate the
25 incidents alleged prevented him from filing a timely response in November 2007.

26 Accordingly, IT IS HEREBY ORDERED Plaintiff's request for leave to file an
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28 ¹The document is entitled "request for leave to file amended response. . .", however, the Court notes there is no original response to amend. As such, the Court construes the request as an application to file a response to the motion beyond the due date.

1 amended response to Defendants California Department of Education and O'Connell's
2 motion to dismiss is **DENIED**.

3 DATED: May 27, 2008

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5 JOHN A. HOUSTON
6 United States District Judge
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